



PREPROPOSAL STATEMENT OF INQUIRY

(RCW 34.05.310)

CR-101 (7/22/01)

Do NOT use for expedited rule making

Agency: State Board of Health

Subject of possible rule making: Chapter 246-215 WAC, Food Service

(a) Statutes authorizing the agency to adopt rules on this subject: RCW 43.20.050

(b) Reasons why rules on this subject may be needed and what they might accomplish: The state's Food Service rules were last significantly revised in 1992. Since then, the U.S. Food and Drug Administration (FDA) developed a model ordinance for regulating food service establishments called the "Food Code." Thirty states have adopted and fifteen other states are in the process of adopting most of the Food Code. Members of the food service industry and local health personnel have commented that the state's food service rules need to be more consistent with the provisions of the Food Code regarding such issues as manager knowledge, exclusion of ill workers from food preparation, alternative cooking temperatures, refrigeration temperature, speed of cooling, reheating, time/temperature control, molluscan shellfish tags, and greater use of Hazard Analysis Critical Control Point process. Some other provisions of the state rules need clarification regarding such issues as bare hand contact with ready to eat food, temporary events, temperature monitoring, and exempt foods.

(c) Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The US Department of Agriculture regulates the production of meat and poultry products in interstate commerce; FDA regulates other food items in interstate commerce and provides guidance to state and local agencies about safe food service practices; the Washington State Department of Agriculture regulates food products in intrastate commerce at the wholesale level; the Department of Health administers rules of the Board regarding retail food service safety, which are implemented by local health agencies.

(d) Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
- ☐ Pilot rule making
- ☐ Agency study
- ☒ Other (describe) ... Broad-based advisory committee of food service stakeholders and food safety partners

(e) How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers of persons to contact; describe meetings, other exchanges of information, etc.)

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SIGNATURE

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Executive Director, SBOH

DATE

November 14, 2001